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INTELLECTUAL PROPERTY LAW

PATENT TRADEMARK
AND COPYRIGHT LAW

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August 27, 2007

Office of Public Records
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Milliken et al. U.S. Patent No. 7,163,759 issued 1/16/2007
Filed as Serial No. 10/671,902 on 9/25/2003
SOLID OXIDE FUEL CELL STACK ASSEMBLY
HAVING TAPERED DIFFUSION LAYERS
Our Ref. XX0163US.CIP (#90575)

Gentlemen:

An error in the "Continuity Data" portion of the "PAIR" record for the reference patent has come to our attention in that the details of one of the claimed priority applications has been omitted from the "Parent Continuity Data." Specifically, provisional Serial No. 60/413,858 filed September 26, 2002, has been omitted; however, this data is properly included in the printed patent.

This omission had been an on-going error on the part of the USPTO as seen in the following discussion and the enclosed copies of documents which support this request. The official Filing Receipt was mailed on December 17, 2003. A request for a corrected Filing Receipt was faxed to the USPTO on January 6, 2004. Another request for a corrected Filing Receipt was faxed to the OIPE of the USPTO on February 12, 2004. On October 17, 2006, a fax was sent to the Supervisory Examiner for the application with respect to this issue. Again, although the patent does identify Serial No. 60/413,858 filed September 26, 2002 under "Related U.S. Application Data," a proper official Filing Receipt was never issued and this data is not included in the PTO's electronic record for this case.

Correction of the USPTO's PAIR record, and confirmation thereof, is respectfully requested.

Sincerely yours,

D. Peter Hochberg

DPH/ck
Enc.



10/671,902 SOLID OXIDE FUEL CELL STACK ASSEMBLY HAVING TAPERED DIFFUSION LAYERS

Select New Case	Application Data	Transaction History	Image File Wrapper	Patent Term Adjustments	Continuity Data	Fees	Published Documents/Attorney/Agent	Address &
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Parent Continuity Data

Description	Parent Number	Parent Filing or 371(c) Date	Parent Status	Patent Number
This application is a Continuation in part of	09/992,272	11-14-2001	Patented	6,811,913
Claims Priority from Provisional Application	60/249,098	11-15-2000	Expired	-

Child Continuity Data

PCT/US03/30390 filed on 09-26-2003 which is Pending claims the benefit of 10/671,902

If you need help:

- Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent Application Information Retrieval (PAIR).
- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.

FACSIMILE TRANSMISSION SHEET

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TO: Patrick J. Ryan – Supervisory Examiner **FAX NO:** 1 (571) 273-1292

FROM: Chris Kotran for D. Peter Hochberg, Esq. **DATE** October 17, 2006

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 9

MESSAGE: Re: Milliken et al USS/N 10/671,902 filed September 25, 2003
SOLID OXIDE FUEL CELL STACK ASSEMBLY HAVING
TAPERED DIFFUSION LAYERS / Our Ref. XX0163US.CIP (#90575)
Assistance in Obtaining Corrected Filing Receipt

Following our telephone conversation this morning, I am faxing copies of:

1. The first page of the patent application as filed. N.B. the "Cross-Reference to Related Applications" re the priority claims.
2. (Pages 2a-d) Our "Request for Corrected Filing Receipt" faxed January 6, 2004, with a USPTO auto-reply confirmation.
3. (Pages 3a-b) "Response to Request for Corrected Filing Receipt" indicating "A claim for priority cannot be made based on an application filed after the application making the claim. 60/413,858 filing date 09/26/2002." -- Actually, 60/413,858 filed 09/26/2002 is before the filing date of the application (10/671,902 filed 9/25/03) claiming it as one of the priority cases.
4. A copy of fax confirmation for an eight-page fax transmitted to Ms. Valerie Kinard of OIPE concerning the same matter and after discussing the issues with her on February 12, 2004. (No need to send you the same attachments as above – just verification of the correspondence and another unsuccessful attempt to get a proper filing receipt for this case.)

Any help you can provide in expediting a Corrected Filing Receipt adding -- and which claims the benefit of 60/413,858 filed 09/26/2002 -- will be appreciated. I would also appreciate your confirmation for our file that someone has been contacted to address this issue.

THANK YOU FOR ANY HELP YOU CAN PROVIDE.

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